

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA  
v.  
JAMES EDELKIND,  
defendant.

CRIMINAL NO. 04-10066-MEL

VIOLATIONS:

18 U.S.C. §1344 (Bank Fraud) (3 Counts)  
18 U.S.C. §2 (Aiding and Abetting)

INFORMATION

The United States Attorney charges:

**GENERAL ALLEGATIONS**

1. At times material to this Information, defendant JAMES EDELKIND resided at Hull, in the District of Massachusetts.

**The Financial Institutions**

2. At all times material to this Information, South Shore Savings Bank was a financial institution as defined in Title 18, United States Code, Section 20.

3. At all times material to this Information, Wells Fargo Bank, N.A. was a financial institution as defined in Title 18, United States Code, Section 20.

4. At all times material to this Information, Washington Mutual Bank, F.A. was a financial institution as defined in Title 18, United States Code, Section 20.

5. At all times material to this Information, America's Moneyline, Inc. was the retail branch of Saxon Capital, Inc., a private non-bank mortgage lender, which maintained a place of business in Glen Allen, Virginia.

6. At all times material to this Information, Household Finance Corporation was a private non-bank mortgage lender, which maintained a place of business at Braintree, Massachusetts.

7. At all times material to this Information, Countrywide Home Loans, Inc. was a private non-bank mortgage lender, which maintained a place of business at Calabasas, California.

### **The Fraud Schemes**

8. As detailed below, between in or about August 2000 and in or about March 2003, Edelkind executed a series of schemes to defraud financial institutions and other mortgage lenders.

9. The purpose of the schemes was to obtain mortgage financing for the purchase and renovation of a luxury residence located at 940 Nantasket Avenue, Hull, Massachusetts, and subsequently to obtain mortgage refinancing and equity credit lines that were used for renovation and personal expenses.

10. The primary means by which Edelkind accomplished the frauds was to submit a variety of forged and fraudulent documents in support of loan applications in the name of his wife, Linda Edelkind (nee Lien) which falsely represented her income and assets.

11. By using falsified documents in his wife's name, Edelkind avoided disclosing that he had filed for bankruptcy, most recently on or about October 21, 1999, and previously on or about April 3, 1991. Edelkind's bankruptcy petition was pending from October 21, 1999 through October 2003.

12. Although Edelkind submitted different (and sometimes contradictory) fraudulent information to different lenders at various times, all of the submissions at issue in this Information falsely represented that Linda Edelkind was employed by Apostille, Inc. and received compensation in excess of \$200,000 per year from that company.

13. In actuality, as Edelkind well knew, Linda Edelkind was a full-time homemaker who did not receive any compensation earnings for work outside the home.

14. Apostille, Inc. was a corporate entity that Edelkind himself had created, which had no significant revenues and did not pay anyone compensation.

15. In connection with some loan applications, Edelkind submitted forged copies of IRS Form W-2 Wage and Tax Statements for Linda Edelkind, purporting to show compensation paid to Linda Edelkind by Apostille, Inc.

16. In connection with some loan applications, Edelkind submitted documents which falsely represented that Linda Edelkind owned bank accounts and other assets valued at over \$1,000,000.

17. In actuality, as Edelkind well knew, Linda Edelkind's bank accounts and other assets were valued at a tiny fraction of the amounts reflected in the loan submissions.

### **Execution of the Fraud Schemes**

#### **I. America's Moneyline, Inc. (August 2000)**

18. In or about August 2000, Edelkind provided information to America's Moneyline, Inc. in connection with an application for a mortgage loan of \$720,000, in the name Linda Edelkind, for the purchase of 940 Nantasket Avenue.

19. In connection with the August 2000 loan application, Edelkind submitted false information and various forged and fraudulent documents, including the following:

- a. False information showing Linda Edelkind as having been employed by Apostille, Inc. for 7 years. In actuality, Apostille was a corporation that Edelkind had established in or about 1999.
- b. Letter, dated August 22, 2000, from the putative "Human Resources Manager" of Apostille, Inc., stating that Mrs. Edelkind was employed by Apostille, Inc. as "Technical Marketing Director" with an annual salary of \$195,000 plus annual bonuses as high as \$22,400.
- c. Forged payment records purporting to reflect bi-weekly salary payments to Linda Edelkind from Apostille, Inc.
- d. Forged and fraudulent 1999 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$214,696.68 to Linda J. Edelkind by "Trinet Inc. for Apostille, Inc."
- e. Forged bank statements from a Norwegian Bank, reflecting accounts in the name of Linda Lien (the maiden name of Linda Edelkind), with balances equivalent to approximately \$1,260,345.

II. America's Moneyline, Inc. (September 2000)

20. In or about September 2000, Edelkind provided information to America's Moneyline in connection with an application for a mortgage loan of \$800,000, in the name Linda Edelkind, for the purchase of 940 Nantasket Avenue.

21. In connection with the September 2000 loan application, Edelkind submitted false information and various forged and fraudulent documents, including the following:

- a. A forged bank statement of The Summit National Bank, showing fabricated copies of putative "rent checks" for Linda Edelkind's previous residence.
- b. A verification of employment form, dated January 3, 2001, reflecting Linda Edelkind's annual past year "Gross Earnings" from Apostille, Inc. as "\$236,000" and "\$213,000."
- c. Forged payment records purporting to reflect bi-weekly salary payments to Linda Edelkind from Apostille, Inc. during September through December 2000.
- d. Forged bank statements from a Norwegian Bank, reflecting accounts in the name of Linda Lien (the maiden name of Linda Edelkind), with balances equivalent to more than \$1,000,000.

22. On or about January 9, 2001, America's Moneyline, Inc. provided mortgage financing in the amount of \$800,000, in the name of Linda Edelkind, for the purchase of 940 Nantasket Avenue, Hull, Massachusetts.

III. America's Moneyline, Inc. (April 2001)

23. In or about April 2001, Edelkind provided information to a mortgage broker in connection with an application for a mortgage loan of \$2,500,000, in the name Linda Edelkind, to refinance 940 Nantasket Avenue. The mortgage broker submitted this information to America's Moneyline, Inc.

24. Among the false information submitted were representations that Linda Edelkind held assets of approximately \$1,200,000 and owned real estate valued at \$5,000,000.

IV. South Shore Savings Bank (August 2001)

25. In or about August 2001, Edelkind applied to South Shore Savings Bank for a mortgage loan of \$1,000,000, in the name Linda Edelkind, to refinance Edelkind's residence at 940 Nantasket Avenue, Hull, Massachusetts.

26. In connection with the application to South Shore Savings Bank, Edelkind submitted false information and various forged and fraudulent documents, including the following:

- a. Forged and fraudulent payment records purporting to reflect bi-weekly salary payments to Linda Edelkind from Apostille, Inc.
- b. Forged and fraudulent "copy" of U.S. Individual Tax Return (IRS form 1040) for 1999, in the name Linda Edelkind, reflecting "Wages, salaries, tips, etc . . ." of \$204,058.
- c. Forged and fraudulent "copy" of U.S. Individual Tax Return (IRS form 1040) for 2000, in the name Linda Edelkind, reflecting "Wages, salaries, tips, etc . . ." of \$226,000.
- d. Forged and fraudulent 1999 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$204,058.85 to Linda J. Edelkind by "Apostille, Inc., POB 130187, 77 Fulton St. ste 3000, Boston, Ma 02109," "Employer's identification number 58-4402763."
- e. Forged and fraudulent 2000 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$226,000 to Linda J. Edelkind by "Apostille, Inc., POB 130187, 77 Fulton St. ste 3000, Boston, Ma 02109," "Employer's identification number 58-4402763."

27. On or about September 12, 2001, South Shore Savings Bank provided mortgage financing in the amount of \$1,000,000, in the name of Linda Edelkind, for the refinance of 940 Nantasket Avenue, Hull, Massachusetts.

V. Household Finance Corporation (2002)

28. In or about April 2002, Edelkind applied to Household Finance Corporation for a home equity line of credit up to \$30,000, in the name Linda Edelkind, to be secured by a mortgage on Edelkind's residence at 940 Nantasket Avenue, Hull, Massachusetts.

29. In connection with the application to Household Finance Corporation, Edelkind submitted false information and various forged and fraudulent documents, including the following:

- a. Forged and fraudulent payment records purporting to reflect bi-weekly salary payments to Linda Edelkind from Apostille, Inc.
- b. Forged and fraudulent 2000 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$286,350 to Linda J. Edelkind by "Apostille, Inc., POB 130187, 77 Fulton St. Ste 3000, Boston, Ma 02109," "Employer's identification number 58-4402763."
- c. Forged and fraudulent 2001 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$383,184.13 to Linda J. Edelkind by "Apostille, Inc., 50 Glover Avenue, Suite 201, Hull, MA 02045," "Employer's identification number 58-4402763."

30. On or about April 19, 2002, Household Finance Corporation, granted a home equity line of credit, with a limit of \$30,000, in the name of Linda Edelkind, secured by Edelkind's residence at 940 Nantasket Avenue, Hull, Massachusetts.

VI. Wells Fargo Bank, N.A. (April 2002)

31. In or about April 2002, Edelkind applied to Wells Fargo Bank, N.A. for a home equity line of credit up to \$350,000, in the name Linda Edelkind, to be secured by a mortgage on Edelkind's residence at 940 Nantasket Avenue, Hull, Massachusetts.

32. In connection with the April 2002 line of credit application to Wells Fargo Bank, N.A., Edelkind submitted false information and various forged and fraudulent documents, including the following:

- a. Forged and fraudulent payment records purporting to reflect bi-weekly salary payments to Linda Edelkind from Apostille, Inc.
- b. Forged and fraudulent 2000 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$286,350 to Linda J. Edelkind by "Apostille, Inc., POB 130187, 77 Fulton St. Ste 3000, Boston, Ma 02109," "Employer's identification number 58-4402763."
- c. Forged and fraudulent 2001 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$383,184.13 to Linda J. Edelkind by "Apostille, Inc., 50 Glover Avenue, Suite 201, Hull, MA 02045," "Employer's identification number 58-4402763."

33. On or about May 9, 2002, Wells Fargo Bank, N.A., granted a home equity line of credit, with a limit of \$350,000, in the name of Linda Edelkind, secured by Edelkind's residence at 940 Nantasket Avenue, Hull, Massachusetts.

34. On or about March 26, 2003, defendant Edelkind caused his name to be added to the line of credit account of Wells Fargo Bank, N.A., allowing him to access the account and to conduct transactions.

VII. Countrywide Home Loans, Inc.

35. In or about April 2002, Edelkind applied to Countrywide Home Loans, Inc. for a home equity line of credit up to \$350,000, in the name Linda Edelkind, to be secured by a mortgage on Edelkind's residence at 940 Nantasket Avenue, Hull, Massachusetts.

36. In connection with the April 2002 line of credit application to Countrywide Home Loans, Inc., Edelkind submitted false information and various forged and fraudulent documents, including the following:

- a. Forged and fraudulent payment records purporting to reflect bi-weekly salary payments to Linda Edelkind from Apostille, Inc.
- b. Forged and fraudulent 2000 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$286,350

to Linda J. Edelkind by "Apostille, Inc., POB 130187, 77 Fulton St. Ste 3000, Boston, Ma 02109," "Employer's identification number 58-4402763."

- c. Forged and fraudulent 2001 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$383,184.13 to Linda J. Edelkind by "Apostille, Inc., 50 Glover Avenue, Suite 201, Hull, MA 02045," "Employer's identification number 58-4402763."

37. On or about May 30, 2002, Countrywide Home Loans, Inc. granted a home equity line of credit, with a limit of \$350,000, in the name of Linda Edelkind, secured by Edelkind's residence at 940 Nantasket Avenue, Hull, Massachusetts.

VIII. Washington Mutual Bank, F.A. (January 2003)

38. In or about January 2003, Edelkind applied to Washington Mutual Bank, F.A. for a mortgage loan of \$ 2,100,000, in the name Linda Edelkind to refinance 940 Nantasket Avenue.

39. In connection with the January 2003 loan application, Edelkind submitted false information and various forged and fraudulent documents, including the following:

- a. Forged and fraudulent 2000 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$286,350 to Linda J. Edelkind by "Apostille, Inc., 50 Glover Avenue, Suite 201, Hull, MA 02045," "Employer's identification number 58-4402763."
- b. Forged and fraudulent 2001 Form W-2 Wage and Tax Statement, which reflected the payment of "wages, tips and other compensation" in the amount of \$383,184.13 to Linda J. Edelkind by "Apostille, Inc., 50 Glover Avenue, Suite 201, Hull, MA 02045," "Employer's identification number 58-4402763."

40. On or about March 17, 2003, Washington Mutual Bank, F.A. provided mortgage financing in the amount of \$2,100,000, in the name of Linda Edelkind, for the refinance of 940 Nantasket Avenue, Hull, Massachusetts.



COUNT ONE

(Bank Fraud, 18 U.S.C. §1344)

41. The United States Attorney repeats and incorporates by reference the allegations in paragraphs 1-27 of this Information and further charges:

42. On or about September 12, 2001, at Hull and elsewhere, in the District of Massachusetts,

**JAMIE EDELKIND,**

defendant herein, did knowingly execute and attempt to execute a scheme and artifice to defraud a institution, and to obtain and attempt to obtain monies, funds and credits owned by and under the custody and control of a financial institution, by false and fraudulent pretenses, representations and promises, to wit: by causing forged and fraudulent documents to be created and submitted to South Shore Savings Bank its employees in connection with a lending agreement between South Shore Savings Bank and Linda J. Edelkind.

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT TWO

(Bank Fraud, 18 U.S.C. §1344)

43. The United States Attorney repeats and incorporates by reference the allegations in paragraphs 1-34 of this Information and further charges:

44. On or about May 9, 2002, at Hull and elsewhere, in the District of Massachusetts,

**JAMIE EDELKIND,**

defendant herein, did knowingly execute and attempt to execute a scheme and artifice to defraud a institution, and to obtain and attempt to obtain monies, funds and credits owned by and under the custody and control of a financial institution, by false and fraudulent pretenses, representations and promises, to wit: by causing forged and fraudulent documents to be created and submitted to Wells Fargo Bank, N.A. and its employees in connection with a lending agreement between Wells Fargo Bank, N.A. and Linda J. Edelkind.

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT THREE

(Bank Fraud, 18 U.S.C. §1344)

45. The United States Attorney repeats and incorporates by reference the allegations in paragraphs 1-40 of this Information and further charges:

46. On or about March 17, 2003, at Hull and elsewhere, in the District of Massachusetts,

**JAMIE EDELKIND,**

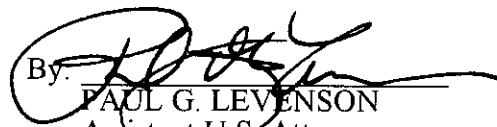
defendant herein, did knowingly execute and attempt to execute a scheme and artifice to defraud a institution, and to obtain and attempt to obtain monies, funds and credits owned by and under the custody and control of a financial institution, by false and fraudulent pretenses, representations and promises, to wit: by causing forged and fraudulent documents to be created and submitted to Washington Mutual Bank, F.A. and its employees in connection with a lending agreement between Washington Mutual Bank, F.A. and Linda J. Edelkind.

All in violation of Title 18, United States Code, Sections 1344 and 2.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

dated: March 10, 2004

By:   
PAUL G. LEVENSON  
Assistant U.S. Attorney  
John Joseph Moakley United States Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3147